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GERON CORPORATION
230 CONSTITUTION DRIVE
MENLO PARK CA 94025

In re Application of
Gregg B. Morin et al
Serial No.: 09/615,039
Filed: July 11, 2000
Attorney Docket No.: 019/251c

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: PETITION DECISION
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This is in response to the petition under 37 CFR 1.181, filed June 13, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted and has been occasioned by conversion of the file to an imaged file wrapper and failure to forward notification of the existence of a petition to the appropriate office for decision.

A review of the file history shows that the examiner mailed an Office action to applicants on October 3, 2001, setting a one month shortened statutory period for reply. For unknown reasons it was mailed to a completely incorrect address. Shortly thereafter the examiner resigned. Upon failure to receive a reply a new examiner contacted applicants and was informed of the existence of a formal reply to the action, but that the original had been mailed to the wrong address. As a result, the Office action was remailed with a new date written in (i.e. – it was not mailed by means of the PALM system), but possibly to the same incorrect address. On August 29, 2002, applicants, although having no formal Office action mailed to them filed by facsimile transmission an election in writing although an election by telephone had previously been made.

The copy of the facsimile transmission supplied with the petition shows as the last page thereof a transmission report indicating that the transmission failed (possibly due to an incorrect fax number), however it is clear that applicants attempted to reply on August 29, 2002, following the telephonic interview. Applicants again contacted the Office for a status inquiry in March, 2003, but the file was unavailable. A third examiner then called applicants in May, 2003, indicating no reply to the restriction requirement had been received and then mailed a Notice of Abandonment on May 29, 2003. This petition was then timely filed, however, the file was made unavailable due to scanning of the file for a period of time and the petition was only recently brought to the attention of the deciding official.

Due to the initial Office error in addressing Office actions and failure to follow established procedures for correction of that error and the change of examiners, the abandonment appears to have been in error. The reply of August 29, 2002, has not been located (and was likely not received) and the copy of the reply provided with the petition has been utilized. In view of the alleged oral reply and attempted timely written reply the Notice of Abandonment is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration based on election of Group I without traverse, as indicated in the facsimile transmission.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 703-872-9306.



Jasmine C. Chambers

Director, Technology Center 1600